

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

TYLER DIVISION

DATE: 3/31/15

JUDGE
JOHN LOVE

REPORTER: Mechele Morris
LAW CLERK: Jennifer McCollough

CHRIMAR SYSTEMS, INC., ET AL
Plaintiff

vs.

ALCATEL-LUCENT, INC., ET AL
Defendant

&

CHRIMAR SYSTEMS, INC. ET AL
Plaintiff

vs.

AMX, LLC
Defendant

CIVIL ACTION NO: 6:13cv880

(Documents #109, 110, 114)

CIVIL ACTION NO: 6:13cv881

(Document #114)

ATTORNEY FOR PLAINTIFF

Richard Wynne
Richard Hoffman

ATTORNEY FOR DEFENDANT

Danny Williams
Mike Jones
Leisa Peschel
Matt Yunwirth

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 1:31 pm

ADJOURN: 2:37 pm

TIME:	MINUTES:
1:31 pm	Case called. The parties introduced themselves and stated they are ready to proceed.
	The Court greeted the parties and stated we are here on several motions. Court will take up Plaintiff's Motion to Compel #109 and Plaintiff's Motion for Continuance #110. After, then the Motion to Supplement #114. Anything to take up first?

DAVID J. MALAND, CLERK

FILED: 3/31/15

BY: *Mechele Morris*, Courtroom Deputy

TIME:	MINUTES:
1:33 pm	Mr. Wynne stated that the Motion to Compel and the Motion for Continuance is so similar, he would like to argue these together. No objection.
	The Court will hear both motions together.
1:34 pm	Mr. Wynne began argument on plaintiff's motions #109 and #110. Discussion made on the request for further information of certain products. Some discovery is necessary, but defendants have a problem with the scope of discovery. There is a dispute on the scope of the accused products. Further discussion made on the AP93 products and the lack of production of documents made on this from the defendants. There are other technical documents that have not been produced. They would like to compel discovery on Alcatel Lucent USA and Enterprise.
1:46 pm	The Court asked Mr. Williams what Enterprise position is? Does Enterprise have any documents, or whose possessions are the documents that have been requested in?
	Mr. Williams responded. He gave a brief overview of the case first. Discussion made as to what is important and at issue in the case. He discussed the chip that is pertinent to the case. What plaintiff is asking for in this motion, is of no relevance to the case. Defendant offered another witness, but date was not good for the plaintiff. Defendant made a second sweep of further documents, but there are none. Chrimar has not done much until lately, to prosecute their case. Texas Instruments manufactures the chip that the plaintiff wants more information on.
1:57 pm	Mr. Wynne further responded. The chip is not all of the claimed invention. Further arguments made on the motions.
1:58 am	Court asked what is it that plaintiff needs, that they do not already have?
	Mr. Wynne responded. Mr. Williams further responded. He subpoenaed for the documents that are relevant to the case. Mr. Wynne further responded. Discussion made as to the redaction of the documents. Discussion made as to why he did not subpoena Aruba. Plaintiff just wants the documents that were asked for.
	Court can order enterprise to look for the documents that Plaintiff is asking for. Defendant stated that they have already went through this process.
2:04 pm	Mr. Williams stated this has already been done and asked for.
	The parties have worked together to produce what is in defendants possession, it looks like. Court asked what else is needed?
2:06 pm	Mr. Wynne responded. If there are testing documents, they would like to take a deposition regarding this. Mr. Williams can accommodate.
2:08 pm	The Court stated that Alcatel offer a witness for deposition by April. As to Aruba, Court can given an opportunity to depose Aruba.
2:09 pm	Mr. Wynne asked for a continuance to get the report done and depose Aruba. Discussion is made as to why he would like a continuance. Mr. Williams responded as to the continuance.

TIME:	MINUTES:
2:13 pm	The Court stated that both sides have been willing to work together on changes. Parties are to make an effort to work out a DCO and make effort on keeping the trial date of September. Court asked about the Motion for Leave to Supplement Invalidity Contentions #114. Do parties need more discovery on this?
2:16 pm	Mr. Hoffman began argument on the motion #114. He needs depositions and discovery. He believes this can be done by September.
2:18 pm	Ms. Peschel responded as to the motion and the request for additional discovery. She does not see a deposition would add to anything. She would be willing to answer interrogatories.
2:21 pm	Mr. Yunwirth responded. Extended interrogatories would be sufficient and a continuance is not necessary. Mr. Hoffman asked for a claim chart. Mr. Yunwirth further responded.
2:23 pm	The Court will order the defendants respond to no more than 15 interrogatories. Defendant will then answer. Court will grant the Motion to Amend as instructed today. Parties are to sit down and try to compress some deadlines. Parties will have April for additional discovery, then get in a new DCO.
2:25 pm	Mr. Yunwirth responded. Will there be two sets of interrogatories?
2:26 pm	Court stated that this is appropriate, two sets of interrogatories. Court would encourage the parties to track the same deadlines. What are the parties position on order for trial?
	Mr. Williams stated that the parties have not discussed this yet. Alcatel Lucent would like one day of trial time for equitable estoppel.
	Court asked if both cases have been mediated?
	The parties have done so, but have another one in June.
2:29 pm	The Court asked Mr. Wynne what he thinks this case is worth?
	Mr. Wynne responded. There has been a proposal, but there was no response as to settlement. He believe this should go forward. Mr. Williams responded and discussed damages. Parties continue discussion on damages.
2:37 pm	The Court would like to see counsel in chamber's. There being nothing further, Court is adjourned.